



**Republic v Kiplangat (Criminal Case E001 of 2024)
[2024] KEHC 13364 (KLR) (31 October 2024) (Sentence)**

Neutral citation: [2024] KEHC 13364 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL CASE E001 OF 2024
JK SERGON, J
OCTOBER 31, 2024**

BETWEEN

REPUBLIC PROSECUTOR

AND

DUNCAN KIPLANGAT ACCUSED

SENTENCE

1. Duncan Kiplangat the Accused herein, pursuant to a plea bargaining agreement was convicted with the offence of manslaughter contrary to section 202 as read with section to section 205 of the [Penal Code](#) Cap 63 Laws of Kenya. The particulars of the offence are that, the accused on the 9th day of January, 2024 at Kipchimchim Village, Chebisom Sub Location in Kericho East Sub-County within Kericho County, unlawfully killed Benard Kiprono.
2. Upon convicting the accused person for the aforesaid offence, this court directed the county probation officer to file a pre-sentence report and also invited the accused to make submissions in mitigation to guide the court in determining the appropriate sentence to be meted out.
3. Mr. Sang, the Learned Counsel for the Accused, submitted that the accused is aged 23 years old and the fifth born in a family of six. The accused is a caregiver for his widowed mother. The Learned Counsel submitted that the incident arose as a result of an altercation between the accused and the deceased (who was his brother) over theft of poultry belonging to the accused.
4. The Learned Counsel stated that the accused was deeply remorseful for the events that culminated in the demise of the deceased. The Learned Counsel stated that the accused pleaded guilty to the lesser charge of manslaughter thereby saving this court time for trial. The Learned Counsel further submitted that reconciliation and customary cleansing rites were done and the victim’s family had forgiven the accused. The Learned Counsel therefore urged this court to exercise leniency during sentence and consider a non-custodial sentence.



5. Miss Okello, Learned Assistant Director of Public Prosecutions, on her part submitted that this Court should exercise its discretion as it deems fit.
6. This court also called for a pre-sentence report. I have considered the pre-sentencing report prepared and filed by the Kericho County – Probation Officer in respect of the accused person. In the aforesaid report, it is noted that the offender keeps poultry and in order to supplement his income, he works at a hardware store within the vicinity of Kericho Town. The offender has an interest in furthering his education and that prior to the awful incident he had secured a vacancy to join P.C Kinyanjui Technical Training Institute.
7. On the material day, the offender and the deceased had an altercation as the deceased had stolen poultry to support his drinking habit, the deceased had charged at the offender while armed with a slasher and the offender had acted on self defence and overpowered the deceased culminating in the instant offence.
8. The offender was remorseful and that the awful act was not premeditated. The offender willingly admitted to the offence of manslaughter as he had an altercation with the victim on the material day. The offender therefore urged this court to exercise leniency and place him on a non-custodial sentence.
9. The deceased and accused were brothers, consequently, the family of the offender and the victim are in support of a non-custodial sentence in order to afford the offender the opportunity to join the technical institute. The victim was a notorious thief, they felt that he was to blame for the awful events that culminated in the altercation which was a precursor to his demise. The family held no grudge against the offender. The family had conducted the customary cleansing rites.
10. The offender enjoys strong community ties. The local administrator reported that the victim had been reported severally for stealing and malicious destruction of property, whereas the offender had no history of criminality. Therefore his family and community harboured no grudge against him rather they feel that the altercation was instigated by the victim and it was unfortunate that the offender was implicated in the commission of the offence. The community and the local administrator are in support of a non-custodial sentence.
11. Based on the findings of the social inquiry and assessment, the probation officer found the offender a suitable candidate for a non-custodial sentence and recommended the offender for placement on a probation order for a period of three years subject to this court's verdict.
12. This court has considered that the accused person was arrested soon after committing the instant offence, he was arraigned in court on 19th January, 2024 and remanded. The accused made an application for reasonable bail/bond terms, the accused was granted bond of Kshs 200,000/= with a surety of similar amount. The accused was subsequently released on 12th February, 2024.
13. I have considered the circumstances of the offence, submissions in mitigation and have further considered the contents of the pre-sentence report filed by the county probation officer in respect of the accused person. I am convinced that the appropriate sentence should be non-custodial. Consequently, I hereby sentence the Accused namely: Duncan Kiplangat to serve 3 years on Probation under the supervision of the Kericho county Probation Officer.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 31ST DAY OF OCTOBER, 2024

J. K. SERGON

JUDGE

In the presence of:

C/Assistant – Rutoh



S/Counsel – Mr. Musyoki

Accused – Present in Person

Miss Chelimo & Sang for the Accused

